

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION**

In re:

**WILLIAM A. BEYAH & WADEEAH Y.
BEYAH,**

Bankruptcy Case No.: 10-81894

Social Security Nos. xxx-xx-5914 & xxx-xx-7464
Mailing Address: 5110 Partridge Street, , Durham, NC 27704-

Debtors.

**WILLIAM A. BEYAH & WADEEAH Y.
BEYAH,**

A.P. No.: 11-9063

Plaintiffs,

HOUSEHOLD REALTY CORPORATION,
Defendant.

MOTION FOR ENTRY OF JUDGMENT BY DEFAULT

The Plaintiffs, by attorney undersigned, and in accordance with Bankruptcy Rule 7055 and Rule 55(b)(2) of the Federal Rules of Civil Procedure, apply to this Court for entry of a judgment by default:

1. Plaintiffs commenced this adversary proceeding, pursuant to 11 U.S.C. §§ 506, 1322(b)(2), 1325(a)(5) and 1327 (c), to value the collateral securing the mortgage lien held by the Defendant, which mortgage is more specifically referenced in the Complaint, and to thereby determine the secured status of said mortgage.
2. This matter is a core proceeding pursuant to 28 U.S.C. § 157; and the court has jurisdiction pursuant to 28 U.S.C. §§ 151, 157 and 1334.
3. The Summons and Complaint were duly issued and properly served upon the Defendant .
4. That no Answer or Motion has been received by Plaintiffs or, upon information and belief, by the Court, within the said thirty (30) day time limit therefor.
5. The Defendant is not in military service, and the Defendant is neither infant in age, nor incompetent.
6. That in accordance with the allegations of the Verified Complaint, there is just cause to find that the said Deed of Trust held by the Defendant is unsecured, and to thereby find, in accordance with 11 U.S.C. §§ 506, 1322(b)(2), 1325(a)(5) and 1327 (c), that the lien

imposed by said Deed of Trust is void.

WHEREFORE, Plaintiffs request that this Court enter judgment by default, and grant such other relief as to this Court seems just and proper.

Dated: August 23, 2011

LAW OFFICES OF JOHN T. ORCUTT, P.C.

/s Edward Boltz

Edward Boltz

Attorney for the Plaintiffs

North Carolina State Bar No.: 23003

6616-203 Six Forks Road

Raleigh, N.C. 27615

Tel. No. (919) 847-9750

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CERTIFICATE OF SERVICE

I, Renee Nolte, of the Law Offices of John T. Orcutt, P.C., certify under penalty of perjury, that I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age, and that on the August 23, 2011, I served copies of the **MOTION FOR ENTRY OF JUDGMENT BY DEFAULT**, by **electronically**, or when not feasible, by regular U.S. Mail, upon the following parties:

Richard M. Hutson, II
Chapter 13 Trustee
Post Office Box 3613
Durham, N C 27702

U.S. Bankruptcy Administrator
Post Office Box 1828
Greensboro, N.C. 27401

WILLIAM A. & WADEEAH Y. BEYAH
5110 Partridge Street
Durham, NC 27704-

HOUSEHOLD REALTY CORPORATION
Attn: Managing Agent
C/O Hsbc Mortgage Services, Inc.
Post Office Box 21188
Egan, MN 55121-8191

John Schlotter
Attorney
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780 Johnson Ferry road # 600
Alanta, GA 30342-0076

/s Renee Nolte

Renee Nolte